

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Allowable Claim 5 has been rewritten in independent form. Claim 4 has also been rewritten in independent form. Claim 1 has been amended for clarity, and also to require only a single engaging member and locking member. New Claim 8 further recites that the guide surfaces taper in a thickness direction of the front window. Basis for this is evident from Figures 4A-4B. New Claim 9 is based upon original Claim 4 but depends from Claim 8. New dependent Claims 10-11 are based on Claims 2-3.

The present invention is directed to a construction machine with a front window locking device. Conventionally, such construction machine suffered from a problem of vibration and rattling of the front window.

According to a feature of the invention, one of the engaging member and the locking member comprises a guide surface configured to make the locking member and the engaging member come into contact with each other on locking the front window, when the window is either in the closed position or in the opened position with the locking member and the engaging member overlapped. For example, referring to the non-limiting embodiment shown in Figures 4A-4B, the guide surface 33a is an inclined surface which is formed by cutting a part of the end portion obliquely aslant at a corner thereof. In this case, the guide surface 33a slides on the engaging surface 30a during rotation of the locking member, resulting in the end portion of the lock arm coming into press contact with the engaging surface so that the window frame is secured relative to the cabin (see paragraph bridging pages 6-7).

Claims 1-4 were rejected under 35 U.S.C. §102 as being anticipated by U.S. patent 6,474,705 (Mori). However, this rejection is respectfully traversed.

Mori discloses a cab window lock system wherein a latch 14 mounted to the cab window 5 can engage a striker 30 mounted to the cab. A release lever 15 may be

manipulated to release the latch 14 so that it can rotate by spring action to disengage the striker. Conversely, pushing the window frame 6 to its locked position causes the latch to reengage the striker (column 10, lines 12-21).

However, there is no description in Mori et al. for the subject matter of Claim 1. For example, the Examiner considers the lock mechanism including the latch 14 of Mori et al. to comprise the claimed locking member, and the striker 30 to comprise the claimed engaging member. However, the latch 14 engages the striker 30 about its periphery (Fig. 3), but does not “overlap” the striker “in a thickness direction of the window” 6. Additionally, the Examiner has not identified a “guide surface,” particularly one “configured to make said locking member and said engaging member come into contact with each other on locking said front window.” Instead, Mori et al. describes that the window frame 6 is simply pushed into the locked position, and that the latch 14 engages the striker 30 in response to this manual pressure (column 10, lines 12-21). Thus, it is not a guide surface which makes the locking member and the engaging member come into contact with each other on locking the front window, but manual pressure. Claim 1, particularly as now amended, therefore clearly defines over this reference.

New Claim 8 further recites that the guide surface is tapered in a thickness direction of the front window. There is no teaching for this feature in Mori et al.

Claim 4 and new Claim 9 further recite the elastic member coming into contact with the window glass and window frame for supporting the window frame, e.g., the elastic member 34 in the illustrated embodiment. In contrast, the elastic member shown in Figure 15 of Mori et al., and relied upon by the Examiner to teach the claimed “elastic member,” is provided between the window glass 6a and the body pillar 2. Claims 4 and 9 therefore also define over the prior art.

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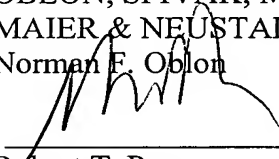
Claim 3 has been amended responsive to the rejection under 35 U.S.C. §112, which is believed to be moot.

Concerning the objection to the specification, the paragraph at the top of page 8 has been amended to recite "an" engaging section. On the other hand, the word "from" is not found at line 1 of page 10 in the specification, and so this suggested change has not been made.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early notice of allowability.

Respectfully submitted,

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